

REMARKS

The Office Action mailed June 1, 2007, in the nature of a requirement for restriction, has been carefully reviewed. Favorable consideration is respectfully requested.

Restriction has been required among what the Examiner considers to be patentably distinct species of the invention, as follows:

Group I, drawn to a polypeptide having thermostable ribonuclease H activity, presently comprising claims 1 and 6; and

Group II, drawn to a polynucleotide encoding a polypeptide having thermostable ribonuclease H activity, transformants and a method to recombinantly produce the polypeptide encoded by said polynucleotide, presently comprising claims 2-5.

Applicant hereby elects Group I, claims 1 and 6, drawn to a polypeptide having thermostable ribonuclease activity. This election is made with traverse, because it is respectfully submitted that the ribonuclease H described in Itaya et al. is not the same as the polypeptide claimed herein.

If the election requirement is maintained, it will be clear on the record that the PTO considers the groups to be patentably distinct from one another *i.e.*, *prima facie* non-obvious from one another. This means that a reference identical to the one group would not render the other group *prima facie* obvious.

Favorable consideration and examination of all pending claims on the merits are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By /Anne M. Kornbau/
Anne M. Kornbau
Registration No. 25,884

AMK:srd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\A\Aoyb\Hokazonol\pto\2007-06-29 Restriction Response.doc